

MEMORANDUM

July 8, 2005

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: DAVID J. WEISS, ESQ
Law Offices of David J. Weiss

OWEN L. GALLAGHER
Principal Deputy County Counsel
General Litigation Division

RE: Gloria J. Price v. County of Los Angeles
Los Angeles Superior Court, Central District Case No. BC300456

DATE OF
INCIDENT: May 16, 2002, through May 20, 2002.

AUTHORITY \$127,500, Plus Assumption of the Medi-Cal Lien Not to Exceed
REQUESTED: \$86,640.37

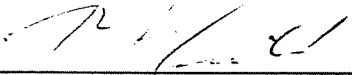
COUNTY
DEPARTMENT: DEPARTMENT OF HEALTH SERVICES

CLAIMS BOARD ACTION:

☐ Approve

☐ Disapprove

☒ Recommend to Board of
Supervisors for Approval


_____, Chief Administrative Office
ROCKY A. ARMFIELD


_____, County Counsel
JOHN F. KRATTLI


_____, Auditor-Controller
MARIA M. OMS

on August 1, 2005

SUMMARY

This is a recommendation to settle for \$127,500, the medical negligence lawsuit brought by Gloria Price for the injuries she sustained while hospitalized at LAC+USC Medical Center from May 16, 2002, to July 22, 2002. The State, having paid \$86,640.37 for the provision of Medi-Cal care, has a claim for reimbursement, which will be settled by the County.

LEGAL PRINCIPLES

The County is liable for the failure of its hospital and medical staff to provide services consistent with the appropriate standard of care for the circumstances encountered.

SUMMARY OF FACTS

On May 16, 2002, at 11:20 a.m., Gloria Price, a 55-year-old woman, underwent a surgical procedure at LAC+USC Medical Center to repair an abnormality associated with her colon (fistula). Surgery was concluded at 1:35 p.m., without complication.

Shortly after the conclusion of surgery, Ms. Price complained of pain in her left leg. Medical personnel determined that Ms. Price's lower left leg was cool to the touch, and with a decreased pulse, which medical personnel suspected might be due to a lack of adequate blood flow (perfusion) to the leg resulting from the formation of blood clots. At 2:00 p.m., an order was given that Ms. Price be given medication to prevent the formation of clots (anticoagulation therapy). However, the anticoagulation medication was not scheduled to be administered until later in the evening.

At 8:50 p.m., results of an x-ray of Ms. Price's blood vessels after injection of contrast material (angiogram) indicated that the large vessel that carries oxygenated blood to the lower leg (popliteal artery) on the left side was blocked (occluded) due to a large blood clot (thrombosis). At 9:00 p.m., Ms. Price was taken to the operating room for removal of the blood clot (thrombectomy) from her left leg. Surgery was concluded without complication.

Ms. Price continued to receive anticoagulation therapy. However, the medical record does not indicate that the anticoagulation therapy achieved therapeutic levels.

On May 20, 2002, at 5:00 p.m., it was noted that Ms. Price had been receiving sub-therapeutic doses of anticoagulation therapy. Although the dosage of anticoagulation medication was increased, and therapeutic levels were achieved by midnight, the condition of Ms. Price's left leg continued to deteriorate.

On May 21, 2002, Ms. Price underwent surgery to remove additional blood clots from two other large vessels that carry oxygenated blood to the lower leg (peroneal and tibial arteries). On May 22, 2002, Ms. Price underwent surgery to remove additional blood clots from her peroneal artery. Although these surgeries were successful in removing the blood clots, medical personnel determined that the prolonged diminished flow of blood (ischemia) to the distant tissues in the left leg resulting from the previous blood clots would necessitate a below-the-knee amputation of Ms. Price's left leg.

On May 29, 2002, Ms. Price underwent a below-the-knee amputation of her left leg, without complication.

On July 22, 2002, Ms. Price was discharged.

DAMAGES

If this matter proceeds to trial, the claimant will likely seek the following:

Gloria Price,	
Future Medical Care	\$465,134
Pain and Suffering (MICRA limit)	<u>\$250,000</u>
TOTAL	\$715,134

The proposed settlement includes:

Gloria Price,	
Cash Settlement	\$ 79,709
Attorneys Fees (MICRA Estimate)	\$ 43,541
Costs of Litigation	<u>\$ 4,250</u>
TOTAL	\$127,500

STATUS OF CASE

The current trial date has been vacated pending approval of this settlement.

Expenses incurred by the County of Los Angeles in the defense of this case through June 22, 2005, are attorneys fees of \$35,453 and \$18,889 in costs.

The total cost to the County of Los Angeles, as a result of this settlement, is as follows:

Indemnity (Settlement Amount)	\$127,500.00
County Attorneys Fees and Costs	\$ 54,342.00
Medi-Cal Lien	<u>\$ 86,640.37</u>
TOTAL	\$268,482.37

EVALUATION

Medical experts will be critical of the failure of medical personnel to adequately anticoagulate Gloria Price to therapeutic levels from May 16, 2002, through May 20, 2002. This failure fell below the standard of care, and is directly responsible for the results observed here.

We join with our private counsel, Law Offices of David J. Weiss, and our claims administrator, Octagon Risk Services, Inc., in recommending settlement in the amount of \$127,500, and payment of the Medi-Cal lien in the amount of \$86,640.37.

The Department of Health Services concurs in this settlement.